

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 19, 2000
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 12, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Heier seconded approval of the Board of Equalization minutes dated September 12, 2000. Campbell, Hudkins, Heier and Workman voted aye. Steinman abstained. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 16 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Heier moved and Workman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

**Nebraska United Methodist Foundation
Vital Services Inc.**

MOTION: Steinman moved and Heier seconded approval of a motor vehicle tax exemption for Vital Services Inc. and approval of a motor vehicle tax exemption for Nebraska United Methodist Foundation subject to the vehicle(s) being titled and registered to the applicant. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **SETTING OF A PUBLIC HEARING ON OCTOBER 3, 2000 AT 2:30 P.M.
FOR NOTICE OF VALUATION CHANGE FOR:**

Jim Mooreland

MOTION: Steinman moved and Heier seconded approval of setting a public hearing for Tuesday, October 3, 2000 at 2:30 p.m. for notice of valuation change for omitted or undervalued property for Jim Mooreland. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED
PROPERTY FOR THE FOLLOWING:**

Concord Hospitality

Norm Agena, County Assessor, stated Concord Hospitality is property which has changed from exempt to taxable. The property is located at 11th and "Q" Streets. He stated the value went from zero to \$81,165.

**Nebraska Housing Resource Inc.
Cyrilla Crown LTD (8 notices)
Chadd Construction Inc. (5 notices)
Regal Building Systems Inc. (4 notices)
Brighton Construction Co., Inc. (4 notices)
Elmer III & Valerie Robertson
Marlene Koci**

The Assessor addressed Nebraska Housing Resource Inc., Cyrilla Crown LTD, Chadd Construction Inc., Regal Building Systems Inc., Brighton Construction Co., Inc., Elmer III & Valerie Robertson and Marlene Koci by explaining that those properties are located in a new subdivision in northwest Lincoln. He stated his office split the land values, which came out to \$1,703 per lot.

Larry & Jeri Brainard

Agena stated an improvement, which had been missed, was added to the record increasing the value from \$15,169 to \$29,172.

MOTION: Steinman moved and Hudkins seconded approval of the Assessor's recommendations for Concord Hospitality, Nebraska Housing Resource Inc., Cyrilla Crown LTD, Chadd Construction Inc., Regal Building Systems Inc., Brighton Construction Co., Inc., Elmer III & Valerie Robertson, Marlene Koci and Larry & Jeri Brainard. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

6) **REMOVAL OF A TAX EXEMPTION ON REAL PROPERTY FOR THE FOLLOWING FOR YEAR 2000 :**

Phantom II Post 9875 VFW

The Assessor stated the property was sold July, 2000 and would be changing from exempt to taxable.

MOTION: Steinman moved and Heier seconded to remove the tax exemption on real property for the year 2000 for Phantom II Post 9875 VFW. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

7) **ADJOURNMENT**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
County Clerk

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The Chair requested that the County Board add to the agenda an Executive Session. She stated the item was an emergency regarding pending litigation and that the County Attorney's Office must respond to a deadline.

MOTION: Hudkins moved and Workman seconded approval to declare an emergency and add to the agenda an Executive Session regarding pending litigation. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 12, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Heier moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting dated September 12, 2000. Campbell, Hudkins, Heier and Workman voted aye. Steinman abstained. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, September 19, 2000.**

MOTION: Workman moved and Hudkins seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

A. County Final Plat 00019, Countryside Estates, requested by Lyle Loth of ESP on behalf of Ron and Janice Skoda, for seven residential lots and one outlot for a private roadway, on property generally located on the north side of West Denton Road at Southwest 70th Street in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to testify in favor of the proposal.

The Clerk administered the oath to Lyle Loth, applicant.

Lyle Loth, appeared on behalf of Ron and Janice Skoda, and stated the special permit had been filed in the Register of Deed's Office. He noted that no changes have been made and that the conservation easement has also been filed.

MOTION: Hudkins moved and Steinman seconded approval of County Final Plat 00019, Countryside Estates.

Dave Johnson, Deputy County Attorney, requested that the subdivision agreement and resolution, which would normally be on next Tuesday's County Board agenda, be on the Staff meeting agenda for Thursday, September 21st as an accommodation to Lyle Loth.

ROLL CALL: Steinman, Workman, Heier, Campbell and Hudkins voted aye.
Motion carried

MOTION: Steinman moved and Heier seconded to request the County Attorney's Office prepare a subdivision agreement and resolution in relation to County Final Plat 00019, Countryside Estates, for signature on Thursday, September 21, 2000. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

B. Creation of a Joint Public Agency and a resolution to determine the need for such an agency. The Joint Public Agency is being created to issue bonds for the construction of capital improvements on the Lancaster County Fairgrounds. The public agencies initially participating in the Joint Public Agency are Lancaster County and the Lancaster County Agricultural Society.

The Chair opened the public hearing and asked if anyone wished to testify.

The Clerk administered the oath to Charles Willnerd.

3) **PUBLIC HEARINGS CONTINUED:**

Charles Willnerd, Lancaster County Agricultural Society President, submitted a written copy of his testimony regarding the creation of the joint public agency (Exhibit A). He stated that the creation of the joint public agency would provide the authority for the County and the Agricultural Society to combine their statutory levy authorities to fund the completion of all facets of phase one of the Event Center project. The joint public agency, he said, would also have the authority to issue bonds for construction and/or acquisition of capital improvements to meet the needs of the residents of the County in the form of the Lancaster County fairgrounds. Willnerd also noted the agency would provide a method of funding needed for capital improvements which would not be possible without the creation of the agency.

Lauren Wismer, Cline, Williams, Wright, Johnson & Oldfather law firm, appeared and stated that his law firm has been involved in the process. He noted there are certain procedural requirements in terms of the publication of the resolution and advised the County Board that those procedures have been completed.

The Clerk administered the oath to Robert Valentine.

Robert Valentine, 2660 Park Avenue, stated he attended an Agricultural Society meeting on August 24, 2000 and was shocked at the disorganization of the financial reports, the disorganization of the meeting, the lack of notification, and the lack of an agenda.

He stated he also attended the Ag Society meeting on September 14, 2000 and noted there were only six members of the Ag Society Board present. Valentine indicated he had received a copy of the budget for next year which was presented at the meeting. He added that it was his opinion that the Ag Society would not collect \$540,000 in revenues when they only have "soft" bookings of \$1,700.

Valentine suggested that an independent and detailed audit be conducted of the Ag Society.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Heier moved and Hudkins seconded approval of a resolution creating a joint public agency involving Lancaster County and the Lancaster County Agricultural Society.

3) **PUBLIC HEARINGS CONTINUED:**

Hudkins stated he was hesitant in creating a joint public agency because of the extra costs which are incurred. He said he felt that the County should have funded the project, however, he would support the resolution.

Steinman stated she supports the creation of the joint public agency because she feels it will address some of the concerns which have been raised by the public. She stated it is ultimately the County Board's responsibility to make certain that the taxpayer is protected.

Heier concurred with Steinman's comments. He stated it is necessary that the County Board be kept informed about the project because of all of the controversy involved with the issue.

Workman stated he hopes that the public is kept better informed with the creation of the joint public agency.

Campbell stated she also supports the joint public agency and that she feels it will provide the oversight which the community wants.

Dave Johnson, Deputy County Attorney, requested a motion be made to direct the County Attorney's Office to prepare a resolution creating the joint public agency for signature on September 21, 2000.

Campbell noted that the resolution creates the joint public agency. She explained that an agreement between the County and the Agricultural Society outlining how the agency will function will be considered by the County Board at a later date. The third document will be a facilities agreement between the members of the joint public agency and the Ag Society.

ROLL CALL: Workman, Hudkins, Campbell, Steinman and Heier voted aye.
Motion carried.

MOTION: Hudkins moved and Heier seconded to direct the County Attorney to prepare a resolution creating the joint public agency involving Lancaster County and the Lancaster County Agricultural Society for signature on September 21, 2000. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

4) **OLD BUSINESS:**

- A. An agreement with Road Builders Machinery and Supply Company, Inc. to sell to the County two Komatsu Motor Graders with mounting capabilities. The County will pay \$184,680 which includes the trade-in value of County machines 320 and 324. (C-00-427)**

MOTION: Hudkins moved and Workman seconded approval. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

5) **NEW BUSINESS:**

- A. Authorization of Wells Fargo Bank, as Trustee, to disburse \$642,884.40 from the juvenile detention center bond proceeds to Cheever Construction Company for the 7th application for payment as the general contractor for the new Juvenile Detention Center. (M-00-81)**

MOTION: Steinman moved and Heier seconded approval. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

- B. Award of bid to EyeMed for vision care services for Lancaster County employees under the Vision Care Eye Program; RFP #00-189. (B-00-34)**

MOTION: Heier moved and Steinman seconded approval. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

- C. Letter giving 60-day notice of non-renewal of Lancaster County Vision Plan with VSP Insurance Company. (M-00-82)**

MOTION: Hudkins moved and Heier seconded approval. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

- D. Recommendation from the Purchasing Agent and the Corrections Department to award an order off of the State of Nebraska Contract for Motorola portable radios to Motorola C & E (Omaha, NE). The award is for 12 radios and 3 desktop chargers (to match existing equipment used by Corrections) in the total amount of \$12,304.41. (B-00-33)**

MOTION: Steinman moved and Heier seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

E. Recommendation from the Purchasing Agent and the Corrections Department to ratify a contract for vending services to Perfect Cup Vending (Lincoln, NE). Term of the agreement is for three years with one 3-year renewal option with mutual consent. The award is for approximately \$22,000 annually. (C-00-458)

MOTION: Heier moved and Steinman seconded approval.

Workman noted that the \$22,000 was awarded to the County.

ROLL CALL: Steinman, Hudkins, Heier, Workman and Campbell voted aye.
Motion carried.

F. Appointments and Reappointments of the following individuals to the Air Pollution Control Advisory Board:

<u>Name of Individual</u>	<u>Term</u>
Marsha Misle (new appt)	September, 2001 through September 1, 2003
Carol Swigart (new appt)	September, 2001 through September 1, 2003
Wayne Heyen (reappt)	September, 2001 through September 1, 2003
Judy Roots (reappt)	September, 2001 through September 1, 2003
Karen Phillips, M.D. (reappt)	September, 2001 through September 1, 2003
Kip Hulvershorn (reappt)	September, 2001 through September 1, 2003

MOTION: Heier moved and Workman seconded approval. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

G. A resolution authorizing the installation of the following traffic signs in Lancaster County, Nebraska: (R-00-116)

- **Install a school bus stop ahead sign on Northwest 84th Street 500' north of the house drive of the Schell residence at 4405 Northwest 84th Street. Sign was requested by the Malcolm school district.**
- **Install a reduced speed ahead sign on Canongate Road 250' north of Oldfield Street for southbound traffic.**
- **Install a 50 mph speed limit sign on Canongate Road 250' north of Oldfield Street for northbound traffic.**

MOTION: Heier moved and Workman seconded approval of Resolution 00-116. Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

H. A resolution regarding an application for Addition to the premises of a Class C and K Liquor License held by the Nebraska State Fair Board of Agriculture, dba/Nebraska State Fair, located at 1800 State Fair Park Drive, Lancaster County, Nebraska. (R-00-115)

MOTION: Steinman moved and Heier seconded approval of Resolution 00-115. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

I. A grant contract with Region V Systems through F³ to assist with facilitation of the F³ program. County will pay up to \$468,000. The contract term is July 1, 2000 and will last 12 months. (C-00-460)

MOTION: Heier moved and Steinman seconded approval. Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

J. Master Agreement for Treasury Management Services with Wells Fargo Bank for treasury management services. Fees for services are more particularly provided in the service documents. Contract may be terminated with 30-days notice. (C-00-459)

MOTION: Steinman moved and Heier seconded approval.

Dave Johnson, Deputy County Attorney, requested the agreement be held one week because the County had not received the service documents. He said Terry Adams, Deputy County Treasurer, has contacted Wells Fargo indicating that the County needs said documents before the agreement can be approved.

5) **NEW BUSINESS CONTINUED:**

Both the maker of the motion and the seconder agreed to withdraw the motion.

MOTION: Steinman moved and Heier seconded to hold the agreement for one week. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

K. A political subdivision tort claim filed against the Juvenile Detention Facility by Charles Burr, in the amount of \$155, for lost property.

MOTION: Steinman moved and Workman seconded to accept the Director's recommendation to approve the tort claim filed by Charles Burr, in the amount of \$155. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

L. A political subdivision tort claim filed against the Juvenile Detention Facility by Nicole Delgado, in the amount of \$235, for lost property.

MOTION: Steinman moved and Workman seconded to accept the director's recommendation to approve the tort claim filed by Nicole Delgado, in the amount of \$235. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

M. A request from Russell Dlouhy for a refund of real estate taxes for 1999, in the amount of \$1,519.64. (M-00-83)

MOTION: Hudkins moved and Steinman seconded approval. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

N. Setting of salary for Jennifer A. Thomas, as an Attorney I in the County Attorney's Office, for \$52,980, effective September 14, 2000.

MOTION: Hudkins moved and Steinman seconded approval. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

O. Setting of salary for Susan T. Buettner, as an Attorney I in the County Attorney's Office, for \$43,000, effective September 18, 2000.

MOTION: Workman moved and Steinman seconded approval. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

- 6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. Lancaster Manor's Monthly Report.
2. Lancaster County Noxious Weed Control Authority's Monthly Report for August, 2000.
3. Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for August, 2000.
4. Records and Information Management's Monthly Report for August, 2000.
5. Lancaster County Treasurer's Statement of Unpaid Taxes on Personal Property for the years 1993 through 1997.

B. Setting of public hearings for Tuesday, October 3, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:

1. Comprehensive Plan Amendment No. 94-59, requested by the Director of Planning, to amend "Chapter 4, Transportation" as identified in the Review Draft Report: Long Range Transportation Plan (LRTP), dated July 31, 2000, and associated maps, figures and other supporting documentation as identified in the draft report, which is submitted under separate cover.
2. Comprehensive Plan Amendment No. 94-45, requested by the Director of Planning, to incorporate by reference the "Greater Arnold Heights Area Neighborhood Plan" and to amend the Lincoln Land Use accordingly.

C. Setting of public hearings for Tuesday, October 10, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:

1. County Change of Zone 202, requested by the Director of Planning, to amend Article 2 and Article 9 of the Lancaster County Zoning Resolution to define and allow sexually oriented live entertainment establishments as a permitted special use in the "I" Industrial district.

6) **CONSENT ITEMS CONTINUED:**

2. **Amend County Board Resolution #2832 Regulating Individual Sewage-Disposal Systems. The amendment would change the fees as provided in the proposed Resolution.**

D. Right-of-way contracts between the County Engineer and the following relating to road improvements:

- **James A and Phyllis M Kumm, in the total amount of \$4,521.21, at Northwest 12th Street and West Davey Road; Project C55-C-407(1). (3 contracts) (C-00-453 through C-00-455)**
- **Lillie I Larsen, in the total amount of \$804.50, at Northwest 12th Street and West Davey Road; Project C55-C-407(1). (2 contracts) (C-00-456 &C-00-457)**

MOTION: Hudkins moved and Heier seconded approval of the Consent Items. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

7) **EMERGENCY ITEMS:**

MOTION: At 2:19 p.m. Hudkins moved and Steinman seconded to enter into Executive Session for the purpose of discussing pending litigation. Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

MOTION: At 2:32 p.m. Hudkins moved and Steinman seconded to exit Executive Session. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Steinman moved and Heier seconded adjournment of the Board of Commissioners meeting. Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.